United Nations CEDAW/C/CRI/CO/7

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 July 2017

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Costa Rica*

1. The Committee considered the seventh periodic report of Costa Rica (CEDAW/C/CRI/7) at its 1508th and 1509th meetings (see CEDAW/C/SR.1508 and 1509), held on 7 July 2017. The Committee's list of issues and questions is contained in CEDAW/C/CRI/Q/7 and the responses of Costa Rica are contained in CEDAW/C/CRI/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of the Status of Women and Executive President of the National Institute for Women, Alejandra Mora Mora, and included representatives of the Ministry of Labour and Social Security, the Gender Commission and the Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined fifth and sixth periodic reports (CEDAW/C/CRI/5-6) in undertaking legislative reforms, in particular the adoption of the following:

(a) Act No. 9406 of 24 October 2016 strengthening the legal protection of girls and adolescent women against gender-based violence and abusive relationships, which criminalizes sexual relations with girls under 15 years of age and prohibits marriage under 18 years of age;

* Adopted by the Committee at its sixty-seventh session (3-21 July 2017).

Please recycle

(b) Labour procedure reform of January 2016 prohibiting gender-based discrimination;

(c) Act No. 9095 against trafficking in persons, which establishes the National Coalition against the Smuggling of Migrants and Trafficking in Persons, in 2013;

(d) Amendments to the Domestic Violence Act (Act No. 7586), defining the crime of abuse, and amendments to the Criminalization of Violence against Women Act (Act No. 8589), expanding protection orders in cases of sexual abuse and assistance and legal advice for victims, in 2011.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National violence against women and domestic violence prevention policy, covering the period 2017-2032, addressing forms of gender-based violence against women, including harassment in public areas;

(b) National policy to combat trafficking in persons and strategic workplan for the National Coalition against the Smuggling of Migrants and Trafficking in Persons, covering the period 2016-2020;

(c) Third plan of action of the national policy on gender equality and equity, covering the period 2015-2018, providing for specific measures to prevent teenage pregnancy and introducing scholarships for victims of gender-based discrimination;

(d) National Support Network for the Social and Economic Empowerment of Women, fostering women's entrepreneurship, in 2014;

(e) National programme for women who face criminal sanctions, adopted by Executive Decree No. 38139-JP, providing for the protection of women in the penitentiary system;

(f) Programme on gender equality and equity at work, aimed at promoting the entry of women into the labour market and committing private companies to gender equality, in 2013.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2014;

(c) International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;

(d) Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), in 2014.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Legislative Assembly, in line with its mandate, to**

take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Access to justice and remedies

8. The Committee notes that mechanisms such as *amparo* allow women to claim protection of their rights and welcomes the establishment of alternative dispute resolution centres offering services free of charge. Nevertheless, the Committee notes with concern:

(a) Economic barriers to women's access to justice and the limited coverage of legal aid clinics and the Bar Association's advocacy services;

(b) The lack of accessible information and limited awareness among women about their rights and legal remedies to claim them;

(c) Discriminatory stereotypes about women seeking justice and the limited knowledge of women's rights among law enforcement officers, including the police, throughout the State party;

(d) Barriers to access to justice by indigenous women, women of African descent, refugee and asylum-seeking women and women with disabilities and the absence of information on remedies available to them to complain about intersecting forms of discrimination.

9. **The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Institutionalize and expand a public legal aid service that is adequately funded to ensure the legal representation of women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination;**

(b) **Strengthen the capacity-building and women's outreach activities carried out by the Information and Guidance Centre of the National Institute for Women;**

(c) **Ensure that judges, prosecutors and police officers handle cases of gender-based violence and discrimination against women in a gender-sensitive manner and expand mandatory capacity-building to judges, prosecutors, lawyers, law enforcement officials and mediators on women's rights, including their right to access to justice;**

(d) **Design a strategy, with indicators, aimed at guaranteeing access to justice by indigenous women, women of African descent, refugee and asylum-seeking women and women with disabilities, which addresses linguistic barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.**

National machinery for the advancement of women

10. The Committee welcomes the fact that the Executive President of the National Institute for Women has been upgraded to the rank of Minister of the Status of Women and notes the budgetary autonomy of the Institute. It also acknowledges the progress achieved by the State party with regard to its national policy on gender equality and equity. Nevertheless, it notes with concern:

(a) The limited role of the national gender unit network in the implementation and monitoring of public policies on gender equality, such as the national policy on gender equality and equity;

(b) The lack of clear authority, mandate and expertise of the municipal offices for women's affairs to adequately address women's human rights at the local level;

(c) The lack of a comprehensive system to generate disaggregated data on gender-based violence against women and of information about the participation of women's organizations, including those of women with disabilities, in the national machinery for the advancement of women, especially at the local level;

(d) The challenges facing inter-institutional coordination mechanisms for the implementation of the Convention, in particular the inter-institutional platform for the implementation of the Convention.

11. **The Committee recommends that the State party:**

(a) **Strengthen the capacity of the national gender unit network in order to better coordinate the implementation and monitoring of national policies in the area of gender equality;**

(b) **Strengthen the mandate, budgetary allocations and capacity of the municipal offices for women's affairs to address women's rights and gender equality at the local level;**

(c) **Promote collaboration with women's organizations in the national machinery for the advancement of women;**

(d) **Strengthen coordination between institutions of the inter-institutional platform and ensure that the Convention is implemented in a manner that is harmonized with the recommendations of other international and regional human rights mechanisms.**

Temporary special measures

12. The Committee notes with concern the limited information about the use of temporary special measures to achieve substantive equality of indigenous women, women of African descent, migrant, refugee and asylum-seeking women, female heads of household and women with disabilities, who face intersecting forms of discrimination.

13. **The Committee recalls its previous concluding observations (CEDAW/C/CRI/CO/5-6, para. 17) and recommends that the State party:**

(a) **Promote a better understanding of temporary special measures in order to adopt and implement them, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, so as to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, including political and economic life, education, employment, health care and social security;**

(b) **Encourage the adoption of temporary special measures at the local level to address intersecting forms of discrimination against indigenous women, women of African descent, migrant, refugee and asylum-seeking women, female heads of household and women with disabilities.**

Stereotypes and discriminatory practices

14. The Committee acknowledges the measures adopted by the State party to eliminate gender stereotypes that discriminate against women, such as awareness-raising and educational campaigns to sensitize politicians and the media to gender equality, the commendable mandatory capacity-building activities of the judiciary on the Convention and the establishment of the Monitoring Centre on Images of Women in Advertising. Nevertheless, the Committee is concerned about:

(a) The persistence of discriminatory gender stereotypes about the roles and responsibilities of women and men in the family and in society;

(b) Stigmatizing and derogatory political statements and public campaigns targeting women in political and public life, including women human rights defenders;

(c) The persistence of discriminatory gender stereotypes and sexist portrayals of women in the mass media and in advertisements;

(d) The negative influence and advocacy of men's and fathers' rights groups, which undermine the recognition of women's human rights, in particular equality in family life.

15. **The Committee recommends that the State party:**

(a) **Devise a comprehensive strategy with medium-term and long-term benchmarks aimed at eliminating discriminatory gender stereotypes and upholding women's dignity and contribution in all areas of economic and social life, engaging in that regard with religious leaders and civil society organizations in a positive dialogue on women's rights;**

(b) **Take measures to dispel discriminatory stereotypes and sexist attitudes among public authorities;**

(c) **Provide capacity-building on gender equality to public and private media outlets, journalists, teachers, politicians and other opinion makers in order to eliminate discriminatory gender stereotypes in the media, the education system and political discourse;**

(d) **Adopt a strategy to raise awareness of women's human rights that addresses negative propaganda and campaigns through public capacity-building programmes and ensures the active participation of women's organizations.**

Gender-based violence against women

16. The Committee notes the legislative framework of the State party for the prevention and elimination of gender-based violence against women, as well as the measures adopted to ensure access to shelters for women who are victims of gender-based violence. Nevertheless, it notes with concern:

(a) The persistence of various forms of gender-based violence against women in public and private spaces and the low conviction rates compared with the high number of complaints received;

(b) The lack of information about measures to prevent gender-based violence against women at the local level, especially in rural and remote areas;

(c) The absence of information disaggregated by sex, type of violence and relationship between perpetrator and victim in the Unified System of Statistical Measurement of Gender Violence;

(d) The large number of reported cases of sexual harassment of women in public places and on public transportation;

(e) The absence of information on gender-based violence against women with disabilities and the means of redress and remedies available to victims;

(f) The prevalence of gender-based violence against lesbian, bisexual and transgender women and intersex persons in the State party.

17. **The Committee recommends that the State party:**

(a) **Strengthen the national domestic violence and violence against women prevention and assistance system and prevent gender-based violence against women at the local level, including in remote rural and border areas;**

(b) **Allocate adequate human, technical and financial resources to the Unified System of Statistical Measurement of Gender Violence and increase efforts to collect statistical and qualitative data on cases of gender-based violence against women disaggregated by sex, age, ethnicity and rural/urban areas;**

(c) **Address the sexual harassment of women in the workplace, in public places and on public transportation by adopting gender-sensitive investigative procedures and imposing appropriate sanctions on perpetrators;**

(d) **Provide women who are victims of sexual and other forms of gender-based violence with timely assistance, access to a sufficient number of geographically distributed shelters and protection from femicide;**

(e) **Design a strategy aimed at disseminating information in accessible formats on the remedies available in cases of gender-based violence against women with disabilities and ensure the accessibility of shelters for those women;**

(f) **Raise public awareness, in cooperation with civil society organizations, about violence against lesbian, bisexual and transgender women and intersex persons and adopt measures to prevent, investigate, prosecute and adequately punish hate crimes against them and provide reparation, including compensation, to victims.**

Women and peace and security

18. The Committee notes the recognition of the right to peace in the Constitution. Nevertheless, it is concerned by the absence of a strategy to comprehensively address women and peace and security issues, considering the conflicts and lack of security in neighbouring countries and the growing influx of refugee and asylum-seeking women as a result of such conflicts, among other causes.

19. **In line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party develop a national action plan to implement the full spectrum of the women and peace and security agenda of the Security Council, as reflected in resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013), in cooperation with representatives of women's organizations.**

Trafficking and exploitation of prostitution

20. The Committee notes with concern:

(a) That the State party is a country of origin, transit and destination for trafficking in persons for purposes of sexual exploitation and forced labour, as well

as the heightened risk of sex trafficking for women and children in the Pacific coastal zones and for transgender persons and migrant women and girls,

(b) The lack of conformity of the definition of "trafficking in persons" in the legislation of the State party with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and international human rights standards;

(c) The low number of prosecutions and convictions of traffickers and the shortcomings in the victim identification procedures.

21. **The Committee recommends that the State party:**

(a) **Allocate sufficient human, technical and financial resources to the implementation of the strategic plan of the National Coalition against the Smuggling of Migrants and Trafficking in Persons and strengthen measures, especially at the local level and in border areas, to identify and refer women and girls who are victims of trafficking to the appropriate social services;**

(b) **Expedite the process to bring the definition of "trafficking in persons" in its legislation into conformity with the Trafficking in Persons Protocol and relevant international human rights standards, including the Convention;**

(c) **Build the capacity of the judiciary and the police to effectively investigate cases of trafficking and exploitation of prostitution in a gender-sensitive manner, so as to increase the number of prosecutions and convictions of perpetrators.**

22. The Committee observes that there is a lack of measures to protect women in prostitution against gender-based violence and to ensure their access to health care and social protection. It is concerned about the absence of exit programmes for women who wish to leave prostitution.

23. **The Committee recommends that the State party ensure that health care and social protection are available to women in prostitution, strengthen income-generating opportunities for women and provide exit programmes for women who wish to leave prostitution.**

Participation in political and public life

24. The Committee welcomes the requirement for parity on the lists of candidates for elected positions at all levels in resolution No. 3603-E8-2016, issued by the Supreme Electoral Tribunal. Nevertheless, the Committee notes with concern:

(a) The decrease in the representation of women in the Legislative Assembly from 38.6 per cent in 2010 to 35.1 per cent in June 2017;

(b) The decrease in the representation of women in the executive branch, in particular the number of women appointed as ministers, from 45 per cent in 2014 to 40 per cent in 2017, and the low representation of women in decision-making positions in the judiciary and at the municipal level, where women account for less than 14 per cent of mayors;

(c) The underrepresentation of women on the boards of private companies;

(d) The lack of progress in implementing the Committee's previous concluding observations about gender parity in executive posts (CEDAW/C/CRI/CO/5-6, para. 25);

(e) The delay in the adoption of bill No. 18719 to combat political harassment and/or political violence against women;

(f) The absence of information concerning the status of women's non-governmental organizations and women human rights defenders in the State party.

25. **The Committee recommends that the State party:**

(a) **Adopt a strategy to promote the full, equal, free and democratic participation of women on an equal basis with men in political and public life and support women's candidacies and political campaigns for the presidential elections to be held in 2018, including through awareness-raising among political leaders, capacity-building and campaign financing;**

(b) **Adopt measures, including further special measures, to ensure equality in the political participation of women and men in the executive branch and the judiciary, and promote the adoption of such measures by local administrations;**

(c) **Ensure the equal participation of women and men on the boards of private companies through legislative measures, among others, and promote their participation through training on leadership skills;**

(d) **Ensure the implementation of gender parity in executive posts;**

(e) **Expedite the adoption of the bill to combat political harassment and/or political violence against women;**

(f) **Promote the social recognition, inclusion and protection of women's non-governmental organizations and women human rights defenders, ensure their personal safety and provide guarantees that they can conduct their work.**

Education

26. The Committee commends the State party on its achievements on education (a female adult literacy rate of 97.71 per cent and a female youth literacy rate of 99.43 per cent). It also takes note of the State party's comprehensive programme on emotional relations and sexuality, which includes a reproductive health module for teachers and pupils. Nevertheless, it notes with concern:

(a) The absence of information disaggregated by age, ethnicity and socioeconomic condition on access to education for girls, in particular their enrolment, completion and dropout rates, notably for reasons of early pregnancy at all levels, and about culturally appropriate bilingual education for indigenous women and girls;

(b) The insufficient measures to reduce the school dropout rate among pregnant adolescent girls and ensure their right to return to school during pregnancy and following childbirth;

(c) Sexual harassment and other forms of gender-based violence against girls in the education system;

(d) The concentration of women in traditionally female-dominated fields of study;

(e) The underrepresentation of women in decision-making positions in governing councils of public universities;

(f) The lack of information on enrolment rates and effective access to the mainstream education system for women and girls with disabilities.

27. **The Committee recommends that the State party:**

(a) **Put in place a strategy with measurable indicators and time frames for the assessment of progress with regard to the enrolment of girls and ensure that indigenous women have access to culturally appropriate bilingual education;**

(b) **Eliminate the stigmatization of pregnant adolescent girls and adopt regulations and provide scholarships to ensure re-entry to school for young mothers in both the public and private education sectors;**

(c) **Monitor the outcome of the "Schools for Change" programme to prevent harassment and other forms of gender-based violence against girls in the education system and ensure the availability of complaint procedures for victims, as well as access to redress and reparation;**

(d) **Promote the choice of non-traditional fields of study and career paths among women and girls, such as mathematics, engineering and new forms of information technology, including by providing career counselling and guidance and taking incentive measures;**

(e) **Monitor the composition of boards of directors and adopt measures to ensure gender parity in decision-making positions in governing councils of public universities;**

(f) **Gather information about access to all levels of the mainstream education system for women and girls with disabilities and adopt a protocol for the provision of reasonable accommodation by educational institutions.**

Employment

28. The Committee notes the information provided by the State party on the integration of gender mainstreaming into the "Find a Job" and "Decent Work" programmes of the National Labour Inspection Directorate of the Ministry of Labour and Social Security. It nevertheless remains concerned about:

(a) The persistence of occupational segregation and the concentration of women in low-paid jobs, as noted by the Committee in its previous concluding observations (CEDAW/C/CRI/CO/5-6, para. 28), and the significant gender wage gap;

(b) The high unemployment and self-employment rates among women, the overrepresentation of women in the informal sector and the limited social protection schemes for women working in that sector;

(c) The underrepresentation of women in decision-making positions in cooperative associations;

(d) The discretionary granting of paternity leave by employers in the absence of legislation providing for paternity leave entitlements;

(e) The lack of information about the workplace inspections of private households to monitor working conditions of women domestic workers, including migrant workers.

29. **The Committee recommends that the State party:**

(a) **Ensure the enforcement of the principle of equal pay for work of equal value, strengthen strategies to prevent occupational segregation and reduce the gender wage gap;**

(b) **Establish measures aimed at increasing access to formal employment for women, taking into account the guidance provided in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), of ILO**

and target 8.5 of the Sustainable Development Goals, on the promotion of full and productive employment and decent work for all women and men;

(c) Monitor the composition of boards of directors of cooperative associations and amend legislation to make gender parity a requirement in that composition;

(d) Adopt legislation to introduce a legal entitlement to paid paternity leave and promote equal sharing of parental responsibilities between women and men;

(e) Develop a plan for implementing the ILO Domestic Workers Convention, 2011 (No. 189), ensure that women domestic workers, including migrants, have access to effective remedies to file complaints about exploitation and abuse by employers and strengthen the mandate of the National Labour Inspection Directorate to monitor the working conditions of women domestic workers when there are reasonable grounds to believe that violations are taking place in private households.

Health

30. The Committee notes with concern:

(a) The criminalization of abortion in cases of rape, incest or severe fetal impairment and the inaccessibility of high-quality post-abortion care;

(b) The delay in the adoption of technical guidelines for therapeutic abortion, leading to unsafe abortions;

(c) Barriers to access to modern forms of contraception, including emergency contraception, for women and adolescent girls, in particular in rural and remote areas;

(d) Reports of obstetric violence against women in connection with childbirth services, in particular affecting indigenous women who are obliged to follow protocols incompatible with their cultural background;

(e) The inaccessibility of in vitro fertilization for women in the public health sector owing to the delay in implementing legislation authorizing its application.

31. **The Committee recommends that the State party:**

(a) Amend the Criminal Code to legalize abortion in cases of rape, incest or severe fetal impairment and decriminalize abortion in all other cases, as well as provide women with access to high-quality post-abortion care;

(b) Accelerate the adoption of technical guidelines for therapeutic abortion and conduct awareness-raising campaigns to prevent the stigmatization of women seeking an abortion;

(c) Conduct campaigns to raise awareness about modern forms of contraception and ensure access to safe and affordable contraception for women and adolescent girls, in particular in rural and remote areas;

(d) Adopt legal and policy measures to protect pregnant women during childbirth, sanction obstetric violence, strengthen capacity-building programmes for medical practitioners and ensure regular monitoring of the treatment of patients in health-care centres and hospitals, in line with the recommendations issued by the Ombudsman's Office;

(e) **Speed up the implementation of the provisions of Decree No. 39210-MP-S of 10 September 2015 authorizing the application of in vitro fertilization in the public health sector.**

Economic and social benefits and economic empowerment of women

32. The Committee notes the measures taken by the State party aimed at promoting women's entrepreneurship and the provision of loans and other forms of financial credit to women. Nevertheless, it notes with concern the lack of information as to whether women's organizations were involved in designing and implementing national strategies to achieve the Sustainable Development Goals. The Committee is also concerned about the limited coverage of social programmes, including social protection schemes, for women living in poverty, migrant and refugee women, indigenous women, women of African descent and women with disabilities.

33. **The Committee recommends that the State party:**

(a) **Ensure that women's organizations participate in planning and implementing national strategies to achieve the Sustainable Development Goals;**

(b) **Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for women in order to promote women's entrepreneurship and empower them economically, in particular as regards indigenous women, women of African descent, migrant and refugee women and women with disabilities, and provide capacity-building for women aimed at improving their managerial skills.**

Rural women

34. The Committee welcomes the measures taken by the State party to promote the participation of rural women in rural development councils and steering committees, in addition to the sectoral plan for agricultural and rural development covering the period 2015-2018. Nevertheless, it is concerned at:

(a) Barriers to access to land titles and ownership by rural women;

(b) The lack of participation by rural women in the benefits of rural development projects conducted at the territorial level by territorial councils for rural development;

(c) The limited impact of measures taken to eliminate discriminatory gender stereotypes that overemphasize rural women's role as housewives and caregivers;

(d) Gaps in access to technology and labour-saving agricultural equipment by rural women.

35. **In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Develop a strategy to ensure access to land titles and ownership by rural women and enhance their security of land tenure;**

(b) **Increase the effective participation of rural women in the benefits of rural development projects and continue to strengthen their participation in decision-making bodies that define territorial governance, in particular the steering committees of the territorial councils for rural development;**

(c) **Strengthen measures to eliminate stereotyped gender roles and the intra-housing inequality that affects rural women, and expand the project entitled "Rural women: land, rights and expression" and human rights capacity-building activities for rural women;**

(d) **Ensure effective access to appropriate agricultural technology, information and communications technology and mobile networks for rural women.**

Indigenous women and women of African descent

36. The Committee is concerned about the lack of implementation of the principle of free, prior and informed consent and the lack of consultations with indigenous women and women of African descent in connection with development projects affecting their collective rights to land ownership. It is also concerned about the consequences of forced evictions of indigenous women and women of African descent from lands traditionally occupied or used by them and the dispossession of such lands by private non-State actors.

37. **The Committee recommends that the State party:**

(a) **Take resolute action against land dispossession and forced evictions of indigenous women and women of African descent from lands traditionally occupied or used by them, strengthen legal and procedural safeguards to protect them and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;**

(b) **Set up and implement effective consultation mechanisms to secure the free, prior and informed consent of indigenous women and benefit-sharing in relation to development projects and other uses of their natural resources and lands, and assess and mitigate the impact of the establishment of protected areas and the adoption of environmental public policies on the rights of indigenous women and women of African descent.**

Migrant, refugee and asylum-seeking women

38. The Committee notes that male and female asylum seekers are entitled to work in the State party after having been recognized as such. Nevertheless, it is concerned at:

(a) Intersecting forms of discrimination against migrant women, in particular those in an irregular situation;

(b) The long delays in refugee status determination procedures and the high fees and administrative barriers faced by refugee and asylum-seeking women and girls in obtaining identification documents that are essential for them to have access to health care, housing, education and social protection;

(c) The limited access to health services for asylum-seeking women who do not contribute to the Costa Rican Social Insurance Fund;

(d) The inadequate conditions in migrant detention centres for transgender women throughout the refugee determination procedure.

39. **The Committee recommends that the State party:**

(a) **Assess the problems faced by migrant women, including those in an irregular situation, in every phase of the migration process and eliminate discrimination against them, in line with the Committee's general recommendation No. 26 (2008) on women migrant workers;**

(b) **Strengthen measures to reduce the delays in refugee determination procedures and decisions on appeal, including by increasing the human, technical and financial resources of the Refugee Unit, the Commission on Restricted Visas and Refugees and the Administrative Migration;**

(c) **Reduce application fees and remove administrative barriers to obtaining identification documents faced by refugee and asylum-seeking women and girls in order to ensure their effective access to employment, health care, housing and education;**

(d) **Adopt guidelines for appropriately addressing the protection of transgender women throughout the refugee determination procedure.**

Intersecting forms of discrimination and data collection

40. The Committee is concerned about the insufficient legislation and public policies to tackle multiple forms of discrimination against indigenous women, women of African descent, migrant, asylum-seeking and refugee women, women with disabilities, older women, lesbian, bisexual and transgender women and intersex persons and the limited disaggregated information concerning them.

41. **The Committee recommends that the State party adopt legislative and other measures, including temporary special measures, to protect women in the above-mentioned groups from intersecting forms of discrimination and collect statistical data disaggregated by sex and age for all the above-mentioned groups in all areas covered by the Convention, in both the public and private spheres.**

Marriage and family relations

42. The Committee is concerned about:

(a) The fact that the existing legislative mechanisms do not adequately take into account gender-based violence in the domestic sphere in determining child custody;

(b) The negative effect of fathers' rights groups' advocacy of and public discourse about the so-called "parental alienation syndrome";

(c) The absence of legal mechanisms that provide for the recognition of intangible assets, such as work-related benefits, for purposes of property distribution upon divorce and the inadequacy of legal aid for women in divorce proceedings, which impede their ability to realize their property rights upon dissolution of marriage;

(d) The insufficient protection of women in de facto unions, including in cases of separation.

43. **The Committee recommends that the State party:**

(a) **Appropriately address the consideration of the specific needs of women and children in determining child custody in cases involving gender-based violence in the domestic sphere;**

(b) **Take all measures necessary to discourage the use of "parental alienation syndrome" by experts and by courts in custody cases;**

(c) **Adopt guidelines on the recognition of unremunerated domestic work for purposes of distributing joint marital property and on compensation for the economically disadvantaged spouse, for use in divorce proceedings, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;**

(d) **Take all measures, including legislation, necessary to ensure that women enjoy adequate legal protection during de facto unions and upon their dissolution.**

Beijing Declaration and Platform for Action

44. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

45. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

46. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Ratification of other treaties

47. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to concluding observations

48. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 29 (d) and (e) and 31 (b) and (d) above.**

Preparation of the next report

49. **The Committee invites the State party to submit its eighth periodic report, which is due in July 2021. The report should be submitted on time and, in the event of delay, should cover the entire period up to the time of its submission.**

50. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I)).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.